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(n/k/a JAPAN DISPLAY INC.), HITACHI
AMERICA, LTD., HITACHI ASIA, LTD.,
AND HITACHI ELECTRONIC DEVICES
(USA), INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Cathode Ray Tube (CRT) Antitrust Litigation,

NO. 07-CV-5944-SC
MDL NO. 1917

This Document Relates To:

Electrograph Systems, Inc. et al. v. Technicolor SA, et al., No. 13-cv-05724;

Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust v. Technicolor SA, et al., No. 13-cv-00141;

Best Buy Co., Inc., et al. v. Technicolor SA, et al., No. 13-cv-05264;

Interbond Corporation of America v. Technicolor SA, et al., No. 13-cv-05727;

Office Depot, Inc. v. Technicolor SA, et al., No. 13-cv-05726;

**DECLARATION OF JAMES
MAXWELL COOPER IN SUPPORT
OF MITSUBISHI ELECTRIC
CORPORATION, MITSUBISHI
ELECTRIC US, INC., AND
MITSUBISHI ELECTRIC VISUAL
SOLUTIONS AMERICA, INC.'S
MOTION TO SEAL PORTIONS OF
THEIR REPLY IN SUPPORT OF
THEIR MOTION TO DISMISS LATE-
FILED COMPLAINTS ON TIMING
GROUNDS PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5(d)**

[Civil L.R. 79-5(d)]

1 *Costco Wholesale Corporation v. Technicolor SA,*
2 *et al.*, No. 13-cv-05723;
3 *P.C. Richard & Son Long Island Corporation, et al.*
4 *v. Technicolor SA, et al.*, No. 13-cv-05725;
5 *Schultze Agency Services, LLC v. Technicolor SA,*
6 *et al.*, No. 13-cv-05668;
7 *Sears, Roebuck and Co. and Kmart Corp. v.*
8 *Technicolor SA, et al.*, No. 3:13-cv-05262;
9 *Target Corp. v. Technicolor SA, et al.*, No. 13-cv-
05686

9 I, James Maxwell Cooper, declare as follows:

10 1. I am a member of the bar of the State of California and an attorney at the law firm of
11 Kirkland & Ellis LLP, counsel for defendants Hitachi, Ltd., Hitachi Displays, Ltd. (n/k/a Japan
12 Display Inc.), Hitachi America, Ltd., Hitachi Asia, Ltd., and Hitachi Electronic Devices (USA), Inc.
13 (collectively, the “Hitachi Defendants”).

14 2. Except for those matters stated on information and belief, about which I am informed
15 and believe to be true, I have personal knowledge of the facts stated herein and, if called as a
16 witness, I could and would competently testify thereto.

17 3. On June 18, 2008, the Court approved a “Stipulated Protective Order” (Dkt No. 306).

18 4. On February 7, 2014, Defendants Mitsubishi Electric Corporation, Mitsubishi Electric
19 US, Inc., and Mitsubishi Electric Visual Solutions America, Inc., (“Mitsubishi Electric”) filed an
20 Administrative Motion to Seal (Dkt. No. 2374), and lodged conditionally under seal, pursuant to
21 Civil Local Rules 7-11 and 79-5(d), portions of their Reply in Support of Defendants Mitsubishi
22 Electric to Dismiss Late-Filed Complaints on Timing Grounds (“Reply”) that contain information
23 from documents or deposition testimony that the Hitachi Defendants have designated “Confidential”
24 or “Highly Confidential.”

25 5. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the Hitachi
26 Defendants to provide the basis for the Court to maintain under seal certain documents and
27 information quoted from, described, or otherwise summarized in the Reply that have been
28

1 designated by the Hitachi Defendants as “Confidential” or “Highly Confidential” pursuant to the
2 Stipulated Protective Order.

3 6. Specifically, the Reply references or quotes directly from portions of Direct Action
4 Plaintiffs’ Opposition to Mitsubishi’s Motion to Dismiss Complaints (Dkt. No. 2358-3) (“Motion”)
5 designated by the Hitachi Defendants as “Confidential” or “Highly Confidential” under the terms of
6 the Stipulated Protective Order and previously subject to administrative motions to file under seal in
7 this case that the Court has granted.

8 7. I am informed and believe that page 12 lines 3-7 of the Reply quotes from, describes,
9 or otherwise summarizes portions of Direct Action Plaintiffs’ Opposition to Mitsubishi’s Motion to
10 Dismiss Complaints that quote from, describe, or otherwise summarize documents or information
11 that the Hitachi Defendants have designated as “Confidential” or “Highly Confidential,” and
12 previously subject to administrative motions to file under seal in this case that the court has granted.

13 8. I am informed and believe that the documents and information quoted from,
14 described, or otherwise summarized in the Reply consist of, cite to, or identify confidential,
15 nonpublic, proprietary, and highly sensitive business information about the Hitachi Defendants’
16 business practices, pricing practices, confidential business agreements, and competitive positions.
17 The documents describe relationships with companies that remain important to the Hitachi
18 Defendants’ competitive position. I am informed and believe that this is sensitive information and
19 public disclosure of this information presents a risk of undermining the Hitachi Defendants’ business
20 relationships, would cause them harm with respect to their competitors and customers, and would
21 put the Hitachi Defendants at a competitive disadvantage.

22 I declare under penalty of perjury, under the laws of the United States of America, that the
23 foregoing is true and correct.

24 Executed this 11th day of February, 2014, at San Francisco, California.

25 /s/ James Maxwell Cooper

26 James Maxwell Cooper